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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
3404 E. Harmony Road  
Mail Stop 35  
FORT COLLINS, CO 80528

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EL CHANTI, HUSSEIN A

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ELECTRONIC

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JERRY.SHORMA@HP.COM  
ipa.mail@hp.com  
laura.m.clark@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* SHELL S. SIMPSON and WARD S. FOSTER

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Appeal 2009-007545  
Application 09/998,996  
Technology Center 2400

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Before, ROBERT E. NAPPI, CARLA M. KRIVAK, and  
THOMAS S. HAHN, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup>The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

This is a decision on appeal under 35 U.S.C. § 134(a) of the final rejection of claims 1-4, 6, 8-14, and 20-43. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse the Examiner's rejection of these claims.

### INVENTION

The invention is directed to a method and system of using a network based printing service to print on a local printing device. *See* Spec: 2.

Claim 1 is representative of the invention and reproduced below:

1. A method for printing on a local printing device using a network-based printing service associated with a local printing device, the method comprising:
  - obtaining a network address of the network-based printing service;
  - designating the network-based printing service address as a default destination such that a user browser executing on a client device is redirected directly to the network-based printing service when a print command is received;
  - receiving a print command provided to an imaging service with the user browser;
  - automatically redirecting the user browser to the network-based printing service;
  - accessing image data from a personal imaging repository with the network-based printing service and
  - initiating a print job on the local printing device with the network-based printing service.

### REFERENCE

Savitzky

US 6,012,083

Jan. 4, 2000

## REJECTION AT ISSUE

Claims 1-4, 6, 8-14, and 20-43 are rejected under 35 U.S.C. § 102(b) as being anticipated by Savitzky. Ans. 3-8.

## ISSUE

Appellants argue on pages 19-25 of the Appeal Brief and pages 3-10 of the Reply Brief that the Examiner's rejection of claims 1-4, 6, 8-14, and 20-43 is in error. Appellants argue that Savitzky does not disclose using a network-based printing service to access image data from a personal imaging repository as claimed in independent claims 1 and 10. App. Br. 20; Reply Br. 7. Claims 2-4, 6, 8, 9, 11-14, and 20-43 depend from claims 1 and 10.

Thus, with respect to claims 1-4, 6, 8-14, and 20-43, Appellants' contention presents us with the issue: Did the Examiner err in finding that Savitzky discloses using a network-based printing service to access image data from a personal imaging repository?<sup>2</sup>

## ANALYSIS

Appellants' pivotal argument has persuaded us that the Examiner erred in rejecting claims 1-4, 6, 8-14, and 20-43. Claim 1 recites "accessing

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<sup>2</sup> Appellants make additional arguments regarding claims 1-4, 6, 8-14, and 20-43. App. Br. 11-12 and 15-21; Reply Br. 2-10. We do not reach these additional arguments since the issue of whether Savitzky discloses using a network-based printing service to access image data from a personal imaging repository as claimed in independent claims 1 and 10 is dispositive of the case.

image data from a personal imaging repository with the network-based printing service.” Claim 10 recites a similar limitation. Appellants argue that Savitzky does not disclose this limitation since obtaining a printing service’s URL is not the same as accessing a user’s personal image repository by a printing service. Reply Br. 7. We agree.

The Examiner finds that print requests are sent over a network to a default printer agency wherein the printer agency acts as an imaging service. Ans. 9. Upon receipt, the printer agency generates a preview of the original website and sends this preview via a new URL to the user’s browser. Ans. 10. Therefore, the Examiner finds that the new URL is the claimed printing service. Ans. 10. Additionally, the Examiner finds that the printing agency comprises the personal image repository since the preview image is stored in the printing agency. Ans. 12.

The Examiner’s interpretation of the reference is inconsistent with the limitations of the claim. Claim 1 requires that the *printing service* access image data from the personal image repository (emphasis added). Since the Examiner finds that the new URL is the printing service, in order to meet the claim, the new URL would have to access the personal image repository. However, as indicated above, the Examiner finds that the printer agency, not the URL, accesses its personal image repository and sends this information to the user’s browser as a new URL. Ans. 12. As such, we cannot sustain the Examiner’s rejection of claims 1-4, 6, 8-14, and 20-43.

### CONCLUSION

The Examiner erred in finding that Savitzky discloses using a network-based printing service to access image data from a personal imaging repository.

### SUMMARY

The Examiner's decision to reject claims 1-4, 6, 8-14, and 20-43 is reversed.

### REVERSED

ELD

HEWLETT PACKARD COMPANY  
P.O. BOX 272400  
3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400